

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 1:15-CV-90**

MELISSA ANN MAY,

Plaintiff,

v.

**ANDREW SAUL, COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees (Doc. No. 26) under Section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$22,493.00 "less any administrative fees paid." (Doc. No. 26-1). Attorney's fees under Section 206(b) are paid from past-due benefits awarded to a successful claimant and may not exceed 25% of the total of the claimant's past-due benefits. 42 U.S.C. § 406(b). Further, requested fees must be reasonable. *Gisbrecht v. Barnhart*, 535 U.S. 789, 809 (2002). The reasonableness of the requested fees is determined by considering the overall complexity of the case, the lawyering skills necessary to handle it effectively, the risks involved, and the significance of the result achieved in court. *See Mudd v. Barnhart*, 418 F.3d 424, 428 (4th Cir. 2005).

Here, Plaintiff's counsel seeks \$22,493.00 (25% of Plaintiff's past-due benefits), less any administrative fees paid. (Doc. No. 26-1, at 5). Plaintiff's counsel billed 31.75 hours (24.75 hours billed by paralegals and 7 hours billed by attorneys), submitting more than forty pages of briefing in federal court. (Doc. Nos. 1, 15, 15-1, 19). Further, Plaintiff's counsel was successful, and the Commissioner awarded past due benefits to Plaintiff in the amount of \$89,974.00. (Doc. No. 26-

1, at 5). Thus, the Court finds Plaintiff's request to be reasonable and consistent with 42 U.S.C. § 406(b) and hereby **ORDERS** that Plaintiff's counsel be awarded attorney's fees in the amount of \$22,493.00 less any administrative fees paid and that Plaintiff's counsel refund to Plaintiff the Equal Access to Justice Act award that Plaintiff's counsel has already received (Doc. No. 25).

Signed: April 21, 2020

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

